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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/626,197	07/28/2000	Hikaru Wako	9333-241	3148

757 7590 12/16/2003

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EXAMINER

MANCHO, RONNIE M

ART UNIT PAPER NUMBER

3663

DATE MAILED: 12/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/626,197

Applicant(s)

WAKO, HIKARU

Examiner

Ronnie Mancho

Art Unit

3663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. Figure 11 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-15, 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaplan et al (6401034).

Regarding claim 1, Kaplan et al (fig. 3, col. 9, lines 54+) disclose a method of displaying a POI icon at the location point of a POI on a map displayed by a navigation system, comprising:

defining a plurality of POI categories (fig. 6);

storing a location point and a type of POI for every POI in each category (col. 3, lines 34-58);

displaying the map image including POIs located on the map, wherein POI's in each category are displayed by a common POI icon (figs. 15&16; col. 11, lines 7-67; fig. 3, col. 9, lines 54+), wherein the POI icons for different POI categories are visually distinct (figs. 5-9); and

displaying the type of POI within a category when a POI icon is selected (figs. 3&16; col. 7, lines 47-67) on the map image.

Regarding claim 2, Kaplan et al (fig. 3, col. 9, lines 54+) disclose the method according to claim 1, wherein said POI category is restaurants (col. 3, lines 54-58) and said type of POI is type of food classified by country (fig. 9, col. 7, lines 60-67).

Regarding claim 3, Kaplan et al (fig. 3, col. 9, lines 54+) disclose the method according to claim 1, wherein the map is scrolled by an operation for moving a cursor 132, 136 (figs. 16, 4, 8, 9, etc; col. 6, lines 50-to col. 7, lines 108, also see "press back" icon or "press forward" icon) and the POI icon corresponding to a POI is selected (fig. 16, col. 11, lines 14-33; col. 12, lines 16-30) by said cursor 132, 136.

Regarding claim 4, Kaplan et al disclose the method according to claim 3, further comprising:

storing a POI name for each POI (col. 3, lines 40-58; fig. 8, col. 7, lines 47-59);

displaying POI names of a plurality of POI icons which are overlapped by the cursor (figs. 8, 3, 16; col. 7, lines 47-67); and

selecting the POI icon corresponding to a desired POI by selecting the POI name of said POI among said plurality of POI names (fig. 8; col. 7, lines 47-59).

Regarding claim 5, Kaplan et al disclose the method according to claim 1, wherein a destination is set after selecting the POI icon, thereby searching a route to the POI corresponding to said POI icon (fig. 3, col. 5, lines 55-67; col. 9, lines 54 to col. 10, lines 1-24).

Regarding claim 6, Kaplan et al disclose a method of displaying a POI icon at the location point of a POI on a map, displayed by a navigation system, comprising:

defining a plurality of POI categories (fig. 6);
storing a location point and a type of POI for every POI in each category (col. 3, lines 40-58);

presetting the type of POI in a selected POI category (col. 3, lines 40-58; fig. 8, col. 7, lines 47-67);

displaying the map image including POIs located on the map, wherein POIs of said preset type of POI are displayed by a common POI icon (figs. 15&16; col. 11, lines 7-67; fig. 3, col. 9, lines 54+), wherein the POI icons for different categories are visually distinct (figs. 5-9); and

displaying the type of POI within a category when a POI icon is selected (figs. 3&16; col. 7, lines 47-67) on the map image.

Regarding claim 7, Kaplan et al disclose the method according to claim 6, wherein one POI category is restaurants and said type of POI is type of food classified by country (figs 7-9; col. 7, lines 35 to col. 8, lines 1-14).

Regarding claim 8, Kaplan et al disclose the method according to claim 6, wherein the map is scrolled by an operation for moving a cursor and the POI icon corresponding to a POI is selected by said cursor (fig. 8; col. 7, lines 47-59).

Regarding claim 9, Kaplan et al disclose the method according to claim 8, further comprising:

storing a POI name for each POI (col. 3, lines 40-58; fig. 8, col. 7, lines 47-67);

displaying POI names of a plurality of POI icons which are overlapped by the cursor (fig. 8, col. 7, lines 47-67);; and

selecting the POI icon corresponding to a desired POI by selecting the POI name of said POI among said plurality of POI names (fig. 8, col. 7, lines 47-67);.

Regarding claim 10, Kaplan et al disclose the method according to claim 6, wherein a destination is set after selecting the POI icon, thereby searching a route to the POI corresponding to said POI icon (col. 9, lines 54 to col. 10, lines 1-29; col. 12, lines 16-24).

Regarding claim 11, Kaplan et al disclose a method of displaying a POI icon at the location point of a POI on a map, displayed by a navigation system, comprising:

moving a cursor relative to the displayed map, the cursor indicating a predetermined area and a cursor instructing point (figs. 5-9, 16);

displaying an index including a POI name (figs. 3-9, 16; col. 7, lines 35-67) of at least one POI located in the predetermined area indicated by the cursor (figs. 5-9) and a location corresponding to the cursor instructing point (fig. 16, col. 11, lines 64 to col. 12, lines 1-4); and

selecting a POI name or the location corresponding to the cursor instructing point from the index (fig. 16, col. 11, lines 64 to col. 12, lines 1-4).

Regarding claim 12, Kaplan et al disclose the method according to claim 11, further comprising:

storing a type of food for every restaurant (col. 3, lines 40-58; figs. 8&9, col. 7, lines 47-67); and

displaying the type of food in a restaurant, when selecting the POI name corresponding to said restaurant (figs. 8&9, col. 7, lines 47-67; i.e. a display of Pizza Hut implies the food type is Pizza, etc).

Regarding claim 13, Kaplan et al disclose the method according to claim 12, wherein said type of food is classified by country (American, Chinese, etc, fig. 9).

Regarding claim 14, Kaplan et al disclose the method according to claim 11, wherein the location corresponding the cursor instructing point is selected and, thereafter, said location is set as a destination, thereby searching a route to said location (fig. 16, col. 11, lines 64 to col. 12, lines 1-4; col. 9, lines 54 to col. 10, lines 1-24).

Regarding claim 15, Kaplan et al disclose the method according to claim 11, wherein a POI name is selected and, thereafter, a destination is set, thereby searching a route to the facility corresponding to said POI (fig. 16, col. 11, lines 64 to col. 12, lines 1-4; col. 9, lines 54 to col. 10, lines 1-24).

Regarding claim 17, Kaplan et al disclose a navigation system for displaying a Point of Interest (POI) icon at the location point of a POI on a map, comprising:

means for storing a location point and a type of POI for every POI in each of a plurality of POI categories (col. 3, lines 34-58; figs. 8&9, col. 7, lines 47-67);

means for displaying the map image including the POIs located on the map, wherein POIs in each category are displayed by a common POI icon (figs. 7-9, col. 7, lines 47-67), wherein the POI icons for different POI categories are visually distinct (figs. 5-9);

means for selecting a POI icon (figs. 7-9, col. 7, lines 47-67; fig. 16) on the map image;
and

means for displaying the type of POI within a category when a POI icon is selected (figs. 7-9, col. 7, lines 47-67).

Regarding claim 18, Kaplan et al disclose a navigation system for displaying a Point of Interest (POI) icon at a displayed location point of a POI on a map, comprising:

means for storing a location point and a type of POI for every POI in each of a plurality of POI categories (col. 3, lines 34-58; figs. 7-9, col. 7, lines 47-67);

means for presetting the type of POI in a selected POI category (figs. 7-9, col. 7, lines 47-67);

means for displaying the map image including the POIs located on the map, wherein POIs of said preset type of POI are displayed a common POI icon (figs. 7-9, col. 7, lines 47-67), wherein the POI icons for different POI categories are visually distinct (figs. 5-9);

means for selecting a POI icon (figs. 7-9, col. 7, lines 47-67; fig. 16) on the map image;
and

means for displaying the type of POI within a category, when a POI icon is selected (col. 3, lines 40-58; figs. 8&9, col. 7, lines 47-67);

Regarding claim 19, Kaplan et al disclose a navigation system for displaying a Point of Interest (POI) icon at a displayed location point of a POI on a map, comprising:

means for moving a cursor 268 relative to the displayed map (fig. 16; col. 11, lines 64 to col. 12, lines 1-4), the cursor 268 indicating a predetermined area and a cursor instructing point;

means for displaying (fig. 16) an index including a POI name of at least one POI located in the predetermined area indicated by the cursor and a location corresponding to the cursor instructing point; and

means for selecting a POI name or the location corresponding to the cursor instructing point from the index (fig. 16, col. 11, lines 64 to col. 12, lines 1-4; figs. 3-9, 16; col. 7, lines 35-67).

Allowable Subject Matter

4. Claim 16 is allowed.

5. The following is an examiner's statement of reasons for allowance:

In claim 16, the prior art does not disclose the limitation "displaying only one POI icon and deleting the other POI icons, when a plurality of the same POI icons are included within said predetermined area indicated by cursor".

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

6. Applicant's arguments filed 4-23-03 have been fully considered but they are not all persuasive for the following reasons:

The applicant traverses the rejection on the grounds that "Kaplan does not provide icons for different POI categories as does the applicant's invention." In response, the examiner respectfully disagrees. In Kaplan, figs. 5-9 unquestionably provide icons for different POI categories as claimed. That is, fig. 5, an icon representing a POI category is highlighted, then in fig. 6, icons e.g. RESTAURANTS, HOTELS, etc for different POI categories (e.g. gas stations; Howard Jonhson hotels; museums; burger king, pizza hut restaurants, etc) are presented. The user selects one of the categories e.g. restaurants, which has been highlighted. Then in fig. 7, the restaurant icon is broken down into different categories of restaurants representing the user's POI.

Next in Kaplan, fig. 16, a map is indicated with different POI icons that represent restaurants where the arrow is pointing; POI icon (2) is different from POI icon (1), etc shown on the map of fig. 16. Applicant drawings do not show different POI icons for different POIs; only one POI icon is shown at a time on a map.

Therefore, the prior art anticipates the disputed limitation above.

Next, the applicant argues that Kaplan does not even disclose a cursor. The examiner encourages the applicant to read the Kaplan disclosure carefully, wherein a selection cursor 268 is disclosed which moves relative to the map of fig. 16; Kaplan, col. 11, lines 64-67.

Therefore, it is believed that the rejection is proper and thus stands.

Communication

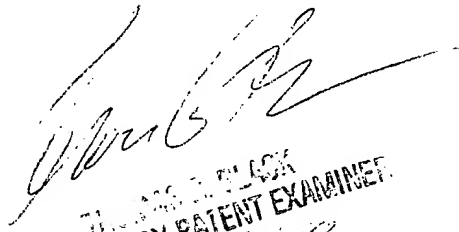
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronnie Mancho whose telephone number is 703-305-6318. The examiner can normally be reached on Mon-Thurs: 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Black can be reached on 703-305-8233. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Ronnie Mancho
Examiner
Art Unit 3663

December 14, 2003


TOMAS BLACK
SUPERVISORY PATENT EXAMINER
GROUP 10